

**Assembly Bill No. 1561**

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Passed the Assembly    September 13, 1997

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*Chief Clerk of the Assembly*

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Passed the Senate    September 12, 1997

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_ day  
of \_\_\_\_\_, 1997, at \_\_\_\_ o'clock \_\_M.

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*Private Secretary of the Governor*

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## CHAPTER \_\_\_\_

An act to amend Sections 25161, 25167.4, and 25323.6 of, and to add Section 25168.1 to, the Health and Safety Code, to amend Section 1463.22 of the Penal Code, to amend Sections 20281 and 20291 of the Public Contract Code, to amend Section 391 of, and to add Section 391.1 to, to the Streets and Highways Code, and to amend Sections 2256, 4456, 5066, 5204, 11520, 16028, 22507.8, 22651.5, 22655, 24953, 25251, 25258, 25259, 26101, 27000, 34001, 34060, 34622, and 40000.16 of, to add Sections 2420, 21718, and 34500.5 to, and to repeal Section 22520 of, the Vehicle Code, relating to transportation.

## LEGISLATIVE COUNSEL'S DIGEST

AB 1561, \_\_\_\_\_ Committee \_\_\_\_\_ on Transportation. Transportation.

(1) Existing law requires the Department of Toxic Substances Control to adopt and enforce those regulations that are necessary and appropriate to achieve consistency with the findings made by the Federal Highway Administration and the federal Department of Transportation pursuant to specified provisions of federal law regarding a uniform program for hazardous waste transportation.

This bill would make technical, clarifying changes to existing law.

(2) Existing law requires that for each alleged violation of a specified provision prohibiting driving without proof of financial responsibility a specified amount of each fine be deposited by the county treasurer in a special account and allocated to defray costs of municipal and justice courts incurred in administering specified provisions relating to driving without proof of financial responsibility. The money is required to be deposited as specified regardless of whether the charge is dismissed pursuant to a specified provision.



This bill would, instead, require that the specified amount be deposited as specified above only for each conviction of a violation of the specified provision.

(3) Existing law requires the Santa Barbara Metropolitan Transit District and the Santa Cruz Metropolitan Transit District to purchase all supplies, equipment, and materials by contract let to the lowest responsible bidder when the expenditure required exceeds \$10,000.

This bill would, instead, require those districts to purchase those items by contract let to the lowest responsible bidder when the expenditure required exceeds \$25,000.

(4) Existing law authorizes the California Transportation Commission to relinquish to a city or county any portion of a state highway within the city or county that the Legislature has deleted from the state highway system. Existing law designates and describes State Highway Routes, including Route 91.

This bill would revise the description of State Highway Route 91 and authorize the relinquishment of a designated portion of Route 91 to the City of Gardena, as described.

The bill would also authorize the commission, upon terms and conditions approved by it, to relinquish a portion of State Highway Route 91 to the City of Torrance in which the highway is located and which has agreed to accept it. The relinquishment would take effect on the day immediately following the commission's approval of the terms and conditions.

(5) Existing law requires the minimum age for appointment to the position of state traffic officer of the California Highway Patrol to be 18 years.

This bill would require the minimum age for that appointment to be 21 years and would make a technical, clarifying change in existing law.

(6) Existing federal regulations require farm labor contractors, agricultural employers, or agricultural associations that use any vehicle to transport a migrant or seasonal agricultural worker to ensure that the vehicle

conforms to specified federal vehicle safety standards. Prima facie evidence that safety standards have been met may be shown by the presence of a current state vehicle inspection sticker.

This bill would authorize the Department of the California Highway Patrol to enter into a contract to conduct an inspection of vehicles that are subject to the federal regulations specified above and issue the specified vehicle inspection sticker to qualified vehicles. The bill would require the contract to provide that the amount to be paid to the department shall be equal to the costs incurred by the department for services provided under the contract.

(7) Existing law requires motor vehicle dealers to use numbered report-of-sale forms issued by the Department of Motor Vehicles when selling a vehicle. A vehicle displaying a copy of the specified form may be operated without license plates or registration card until the license plates and registration card are received by the purchaser of the vehicle.

This bill would authorize the vehicle to operate with the specified form until the license plates and registration card are received by the purchaser of the vehicle or until a 6-month period, commencing with the date of sale of the vehicle, has expired, whichever occurs first.

(8) Existing law provides that, if, after one calendar year following the receipt of the first application for the special interest license plate under the Gene Chappie Heritage Network Act of 1992, 5,000 applications for those plates have not been received, the Department of Parks and Recreation shall refund to all applicants any fees or deposits that have been collected.

This bill would delete this provision of existing law.

(9) Existing law requires tabs to indicate the year and month of the expiration of the registration of a vehicle and that the tabs be attached to the license plate assigned to the vehicle, as specified.

This bill would specify that the tabs shall indicate the current month and year and that a violation of this



provision occurs where a vehicle fails to display current month and year tabs or displays expired tabs.

(10) Existing law imposes specified requirements on a licensed automobile dismantler who acquires a vehicle subject to registration under the Vehicle Code for the purpose of dismantling that vehicle.

This bill would make certain of those requirements inapplicable if the person from whom the vehicle was acquired has notified and cleared the vehicle for dismantling with the Department of Motor Vehicles and a bill of sale has been executed to the dismantler that properly identifies the vehicle and contains evidence of clearance by the department.

(11) Existing law requires the driver of any motor vehicle that is in any manner involved in a traffic accident, as specified, to furnish written evidence of financial responsibility for the vehicle upon the request of a peace officer summoned to the accident scene.

This bill would authorize a traffic collision investigator, as specified, to cause a notice to appear to be issued for a violation of the provision specified above, upon review of that citation by a peace officer.

(12) Existing law prohibits any person from stopping, parking, or leaving standing any vehicle upon a freeway that has full control of access and no crossings at grade, except as specified.

This bill would make a conviction of a violation of the provision specified above a conviction involving the safe operation of a motor vehicle upon the highway if a notice to appear for the violation was issued by a specified peace officer.

(13) Existing law makes it unlawful for any person to park or leave standing any vehicle, including a vehicle displaying a special identification license plate or a distinguishing placard issued to disabled persons and disabled veterans for purposes of special parking privileges, in any area of the pavement within a parking lot or parking facility that is marked by crosshatched lines and is thereby designated for the loading and unloading



of vehicles pursuant to any local ordinance, among other places.

This bill would, instead, specify that it is unlawful to park in any area of the pavement adjacent to a parking stall or space designated for disabled persons or disabled veterans that is marked by crosshatched lines and is thereby designated, pursuant to any local ordinance, for the loading and unloading of vehicles parked in the stall or space.

(14) Existing law authorizes any peace officer, as defined, upon the complaint of any person, to remove a vehicle parked within a prescribed distance of an occupied building of a school, community college, or university or within a residence or business district from a highway or from public or private property if an alarm device has been activated within the vehicle, the peace officer is unable to locate the owner of the vehicle within 45 minutes from the time of arrival at the vehicle's location, and the alarm device has not been silenced prior to removal.

This bill would include any regularly employed and salaried employee who is engaged in directing traffic or enforcing parking laws or ordinances within the scope of persons who can cause the removal. The bill would also make certain clarifying changes and would reduce the 45-minute period described above to a 20-minute period.

(15) Existing law authorizes a peace officer to remove a motor vehicle for purpose of inspection if the officer has reasonable cause to believe that the motor vehicle, under specified circumstances, has been involved in a hit-and-run accident, and the operator of the vehicle has failed to stop and comply with certain statutes.

This bill would also authorize a regularly employed and salaried employee who is engaged in directing traffic or enforcing parking statutes and regulations to remove a vehicle under those specified circumstances.

(16) Existing law authorizes any vehicle to be equipped with supplemental rear turn signal lamps that are mounted on, or are an integral portion of, the outside rearview mirrors, in addition to any required or



authorized turn signal lamps, if those lamps meet certain requirements, including that the light emitted from the lamps is projected only to the rear of the vehicle and is not visible to the driver under normal operating conditions.

This bill would exempt from the requirement specified above a visual indicator designed to allow monitoring of lamp operation.

(17) Existing law permits the use of flashing lights on vehicles under certain circumstances.

This bill would authorize the use of flashing lights on vehicles that are approaching, stopped at, or departing from, a railroad grade crossing, as prescribed.

(18) Existing law authorizes emergency vehicles used by specified peace officers in the performance of their duties to display a steady or flashing blue warning light visible from the front, sides, or rear of the vehicle.

This bill would authorize an emergency vehicle used by a housing authority patrol officer, as specified, to display the steady or flashing blue warning light specified above, and correct a cross-reference in those provisions.

(19) Existing law authorizes specified emergency vehicles to display not more than 2 flashing white warning lights to the front mounted above the roofline of the vehicle.

This bill would, additionally, authorize those vehicles to display not more than 2 flashing white warning lights to the front mounted below the roofline of the vehicle. The bill would authorize the flashing warning lights to be in addition to flashing headlamps permitted under a specified provision of law.

(20) Existing law prohibits the use upon a vehicle of any device that is intended to modify the original design or performance of any lighting equipment, safety glazing material, or other device, unless the modifying device meets certain requirements, except as specified.

This bill would exempt from that prohibition lamps installed on authorized emergency vehicles.

(21) Existing law requires every motor vehicle operated on the highway to be equipped with a horn in good working order and capable of emitting sound

audible under normal conditions from a distance of not less than 200 feet but that does not emit an unreasonably loud or harsh sound. Existing law authorizes an authorized emergency vehicle that is used in fire calls to be equipped with an air horn that does not comply with the specified requirement.

This bill would, instead, authorize all authorized emergency vehicles, as defined, to be equipped with air horns that do not meet the requirement specified above.

(22) Existing law defines the term “commercial motor vehicle” for purposes of specified provisions relating to a commercial motor vehicle safety program.

This bill would apply that term to specified provisions relating to motor vehicle safety regulations.

(23) Existing law excludes household goods carriers, as defined, from the Motor Carriers of Property Permit Act.

This bill would exclude the transportation of office, store, or institution furniture and fixtures by a household goods carrier from specified provisions of the act relating to motor carrier permits.

(24) Existing law makes a violation of a specified provision relating to preventing the escape of materials from vehicles a misdemeanor.

This bill would, instead, make a second or subsequent violation of the specified provision a misdemeanor, if the violation occurs within 2 years of a prior violation of that provision. A first violation, in combination with another provision of existing law, would be an infraction.

(25) This bill would incorporate additional changes in Section 16028 of the Vehicle Code proposed by AB 651, to be operative only if AB 651 and this bill are both enacted and become effective on or before January 1, 1998, and this bill is enacted last.

*The people of the State of California do enact as follows:*

SECTION 1. Section 25161 of the Health and Safety Code is amended to read:

25161. (a) The department may adopt and enforce those regulations, regarding a uniform program for





hazardous waste transportation, that are necessary and appropriate to achieve consistency with the findings made by the Federal Highway Administration and the federal Department of Transportation pursuant to Chapter 51 (commencing with Section 5101) of Title 49 of the United States Code.

(b) The department shall adopt and enforce all rules and regulations that are necessary and appropriate to accomplish the purposes of Section 25160.

(c) The department shall develop a data base that tracks all hazardous waste shipped in and out of state for handling, treatment, storage, disposal, or any combination thereof, which includes all of the following information:

(1) The state or country receiving the waste.

(2) Month and year of shipment.

(3) Type of hazardous waste shipped.

(4) The manner in which the hazardous waste was handled at its final destination, such as incineration, treatment, recycling, land disposal, or a combination thereof.

(d) The department shall include in the biennial report specified in Section 25178 all of the following information:

(1) The total volume in tons of hazardous waste generated in the state and shipped offsite for handling, treatment, storage, disposal, or any combination thereof.

(2) The total volume in tons of hazardous waste generated in the state and shipped in and out of the state for handling, treatment, storage, disposal, or any combination thereof, including all of the following information:

(A) The state or country receiving the hazardous waste.

(B) Month and year of shipment.

(C) Type of hazardous waste shipped.

(D) The manner in which the hazardous waste was handled at its final destination, such as incineration, treatment, recycling, land disposal, or a combination thereof.



SEC. 2. Section 25167.4 of the Health and Safety Code is amended to read:

25167.4. For purposes of this article, the following terms have the following meaning:

(a) “Vehicle” means a truck, trailer, semitrailer, or cargo tank. “Vehicle” does not include a truck tractor unless it is capable of containing a portion of the cargo.

(b) “Container” means a portable tank, intermediate bulk container, or rolloff bin.

SEC. 3. Section 25168.1 is added to the Health and Safety Code, to read:

25168.1. The department shall adopt regulations for containers used to transport hazardous waste that are not subject to the federal regulations contained in Title 49 of the Code of Federal Regulations.

SEC. 4. Section 25323.6 of the Health and Safety Code is amended to read:

25323.6. Any person who unknowingly transports hazardous waste to a solid waste facility pursuant to the exemption provided in subdivision (e) of Section 25163 shall not be considered a responsible party for purposes of this chapter solely because of the act of transporting the waste. Nothing in this section shall affect the liability of this person for his or her negligent acts.

SEC. 5. Section 1463.22 of the Penal Code is amended to read:

1463.22. (a) Notwithstanding Section 1463, of the moneys deposited with the county treasurer pursuant to Section 1463, seventeen dollars and fifty cents (\$17.50) for each conviction of a violation of Section 16028 of the Vehicle Code shall be deposited by the county treasurer in a special account and allocated to defray costs of municipal and justice courts incurred in administering Sections 16028, 16030, and 16031 of the Vehicle Code. Any moneys in the special account in excess of the amount required to defray those costs shall be redeposited and distributed by the county treasurer pursuant to Section 1463.

(b) Notwithstanding Section 1463, of the moneys deposited with the county treasurer pursuant to Section



1463, three dollars (\$3) for each conviction for a violation of Section 16028 of the Vehicle Code shall be initially deposited by the county treasurer in a special account, and shall be transmitted once per month to the Controller for deposit in the Motor Vehicle Account in the State Transportation Fund. These moneys shall be available, when appropriated, to defray the administrative costs incurred by the Department of Motor Vehicles pursuant to Sections 16031, 16032, 16034, and 16035 of the Vehicle Code. It is the intent of this subdivision to provide sufficient revenues to pay for all of the department's costs in administering those sections of the Vehicle Code.

(c) Notwithstanding Section 1463, of the moneys deposited with the county treasurer pursuant to Section 1463, ten dollars (\$10) upon the conviction of, or upon the forfeiture of bail from, any person arrested or notified for a violation of Section 16028 of the Vehicle Code shall be deposited by the county treasurer in a special account and shall be transmitted monthly to the Controller for deposit in the General Fund.

SEC. 6. Section 20281 of the Public Contract Code is amended to read:

20281. The purchase of all supplies, equipment and materials, when the expenditure required exceeds twenty-five thousand dollars (\$25,000), and the construction of facilities and works, when the expenditure exceeds three thousand dollars (\$3,000), shall be by contract let to the lowest responsible bidder. Notice requesting bids shall be published at least once in a newspaper of general circulation, which publication shall be made at least 10 days before bids are received. The board may reject any and all bids and readvertise in its discretion.

SEC. 7. Section 20291 of the Public Contract Code is amended to read:

20291. The purchase of all supplies, equipment and materials, when the expenditure required exceeds twenty-five thousand dollars (\$25,000), and construction of facilities and works, when the expenditure required exceeds ten thousand dollars (\$10,000), shall be by



contract let to the lowest responsible bidder. Notice requesting bids shall be published at least once in a newspaper of general circulation, which publication shall be made at least 10 days before bids are received. The board may reject any and all bids and readvertise in its discretion.

SEC. 8. Section 391 of the Streets and Highways Code is amended to read:

391. Route 91 is from :

(a) Route 1 near Hermosa Beach to Western Avenue in the City of Gardena.

(b) Vermont Avenue in the City of Gardena to Route 215 in Riverside via Santa Ana Canyon.

(c) The portion of the adopted route between Western Avenue and Vermont Avenue in the City of Gardena shall cease to be a state highway pursuant to the terms of a cooperative agreement between the City of Gardena and the department providing for the relinquishment of that portion of the highway to the City of Gardena.

SEC. 9. Section 391.1 is added to the Streets and Highways Code, to read:

391.1. Upon a determination by the commission that it is in the best interests of the state to do so, the commission may, upon terms and conditions approved by it, relinquish a portion of Route 91 to the City of Torrance in which that portion of the highway is located, if the city has agreed to accept it. The relinquishment shall be effective on the day immediately following the commission's approval of the terms and conditions.

SEC. 10. Section 2256 of the Vehicle Code is amended to read:

2256. Notwithstanding Section 18932 of the Government Code, the minimum age limit for appointment to the position of entry level peace officer of the Department of the California Highway Patrol, shall be 21 years, and the maximum age limit for examination shall be 31 years.

SEC. 11. Section 2420 is added to the Vehicle Code, to read:



2420. (a) The department may enter into a contract to conduct an inspection of vehicles that are subject to Section 500.100 of Title 29 of the Code of Federal Regulations and issue the vehicle inspection sticker authorized under subdivision (b) of that section to qualified vehicles.

(b) Any contract entered into under subdivision (a) shall provide that the amount to be paid to the department shall be equal to the costs incurred by the department for services provided under the contract.

SEC. 12. Section 4456 of the Vehicle Code is amended to read:

4456. (a) When selling a vehicle, dealers and lessor-retailers shall use numbered report-of-sale forms issued by the department. The forms shall be used in accordance with the following terms and conditions:

(1) The dealer or lessor-retailer shall attach for display a copy of the report of sale on the vehicle before the vehicle is delivered to the purchaser.

(2) The dealer or lessor-retailer shall submit to the department an application accompanied by all fees and penalties due for registration or transfer of registration of the vehicle within 30 days from the date of sale if the vehicle is a used vehicle, and 20 days if the vehicle is a new vehicle. Penalties due for noncompliance with this paragraph shall be paid by the dealer or lessor-retailer. The dealer or lessor-retailer shall not charge the purchaser for the penalties.

(3) As part of an application to transfer registration of a used vehicle, the dealer or lessor-retailer shall include all of the following information on the certificate of title, application for a duplicate certificate of title, or form prescribed by the department:

(A) Date of sale and report of sale number.

(B) Purchaser's name and address.

(C) Dealer's name, address, number, and signature or signature of authorized agent.

(D) Salesperson number.

(4) If the department returns an application and the application was first received by the department within



30 days of the date of sale of the vehicle if the vehicle is a used vehicle, and 20 days if the vehicle is a new vehicle, the dealer or lessor-retailer shall submit a corrected application to the department within 50 days from the date of sale of the vehicle if the vehicle is a used vehicle, and 40 days if the vehicle is a new vehicle, or within 30 days from the date that the application is first returned by the department if the vehicle is a used vehicle, and 20 days if the vehicle is a new vehicle, whichever is later.

(5) If the department returns an application and the application was first received by the department more than 30 days from the date of sale of the vehicle if the vehicle is a used vehicle, and 20 days if the vehicle is a new vehicle, the dealer or lessor-retailer shall submit a corrected application to the department within 50 days from the date of sale of the vehicle if the vehicle is a used vehicle, and 40 days if the vehicle is a new vehicle.

(6) An application first received by the department more than 50 days from the date of sale of the vehicle if the vehicle is a used vehicle, and 40 days if the vehicle is a new vehicle, is subject to the penalties specified in subdivisions (a) and (b) of Section 4456.1.

(7) The dealer or lessor-retailer shall report the sale pursuant to Section 5901.

(b) (1) A transfer that takes place through a dealer conducting a wholesale motor vehicle auction shall be reported to the department by that dealer on a single form approved by the department. The completed form shall contain, at a minimum, all of the following information:

(A) The name and address of the seller.

(B) The seller's dealer number, if applicable.

(C) The date of delivery to the dealer conducting the auction.

(D) The actual mileage of the vehicle as indicated by the vehicle's odometer at the time of delivery to the dealer conducting the auction.

(E) The name, address, and occupational license number of the dealer conducting the auction.



(F) The name, address, and occupational license number of the buyer.

(G) The signature of the dealer conducting the auction.

(2) Submission of the completed form specified in paragraph (1) to the department shall fully satisfy the requirements of subdivision (a) and subdivision (a) of Section 5901 with respect to the dealer selling at auction and the dealer conducting the auction.

(3) The single form required by this subdivision does not relieve a dealer of any obligation or responsibility that is required by any other provision of law.

(c) A vehicle displaying a copy of the report of sale may be operated without license plates or registration card until either of the following, whichever occurs first:

(1) The license plates and registration card are received by the purchaser.

(2) A six-month period, commencing with the date of sale of the vehicle, has expired.

SEC. 13. Section 5066 of the Vehicle Code is amended to read:

5066. (a) This section shall be known, and may be cited, as the Gene Chappie Heritage Network Act of 1992.

(b) The Department of Parks and Recreation may participate in the special interest license plate program. In addition to the regular fees for an original registration, a renewal of registration, or a transfer of registration, the following fees shall be paid by individuals applying for the issuance, renewal, or transfer of a license plate bearing a design or decal conforming to Section 5060, designed by the Department of Motor Vehicles in consultation with the Department of Parks and Recreation:

(1) For the original issuance of the plates, forty dollars (\$40).

(2) For a renewal of registration with the plates, thirty dollars (\$30).

(3) For transfer of the plates to another vehicle, fifteen dollars (\$15).

(4) For each substitute replacement plate, thirty-five dollars (\$35).



(5) For each universal decal for existing plates, twenty dollars (\$20).

(c) After deducting its administrative costs under this section, the Department of Motor Vehicles shall deposit the additional revenue derived from the issuance, renewal, transfer, and substitution of special interest license plates in the Heritage Network Decal Fund, which is hereby created in the State Treasury. The money in the fund shall be available, upon appropriation by the Legislature, for the purposes of Chapter 1.1 (commencing with Section 5078) of Division 5 of the Public Resources Code. Notwithstanding Sections 5078.2 and 5078.3 of the Public Resources Code, money in the fund shall be available for appropriation during the 1992–93, 1993–94, and 1994–95 fiscal years solely for state park system units and projects along existing and provisional state heritage corridors, including activities to prevent closures, and for completion of the North Central California Heritage Corridors Access Map.

(d) Sections 5106 and 5108 do not apply to license plates issued pursuant to this section.

SEC. 14. Section 5204 of the Vehicle Code is amended to read:

5204. (a) Except as provided by subdivisions (b) and (c), a tab shall indicate the year of expiration and a tab shall indicate the month of expiration. Current month and year tabs shall be attached to the rear license plate assigned to the vehicle for the last preceding registration year in which license plates were issued, and, when so attached, the license plate with the tabs shall, for the purposes of this code, be deemed to be the license plate, except that truck tractors, and commercial motor vehicles having an unladen weight of 10,000 pounds or more, shall display the current month and year tabs upon the front license plate assigned to the truck tractor or commercial motor vehicle. Vehicles that fail to display current month and year tabs or display expired tabs are in violation of this section.

(b) The requirement of subdivision (a) that the tabs indicate the year and the month of expiration does not





apply to fleet vehicles subject to Article 9.5 (commencing with Section 5300).

(c) Subdivision (a) does not apply when proper application for registration has been made pursuant to Section 4602 and the new indicia of current registration have not been received from the department.

(d) This section is enforceable against any motor vehicle that is driven, moved, or left standing upon a highway, or in an offstreet public parking facility, in the same manner as provided in subdivision (a) of Section 4000.

SEC. 15. Section 11520 of the Vehicle Code is amended to read:

11520. (a) A licensed automobile dismantler who acquired, for the purpose of dismantling, actual possession, as a transferee, of a vehicle of a type subject to registration under this code shall do all of the following:

(1) Within five calendar days, not including the day of acquisition, mail a notice of acquisition to the department at its headquarters.

(2) Within five calendar days, not including the day of acquisition, mail a copy of the notice of acquisition to the Department of Justice at its headquarters.

(3) Not begin dismantling until 10 calendar days have elapsed after mailing the notice of acquisition. In the alternative, dismantling may begin any time after the dismantler complies with paragraph (4).

(4) Deliver to the department, within 90 calendar days of the date of acquisition, the documents evidencing ownership and the license plates last issued for the vehicle. Proof that a registered or certified letter of demand for the documents was sent within 90 days of the date of acquisition to the person from whom the vehicle was acquired may be substituted for documents that cannot otherwise be obtained. A certificate of license plate destruction, when authorized by the director, may be delivered in lieu of the license plates.

(5) Maintain a business record of all vehicles acquired for dismantling. The record shall contain the name and address of the person from whom the vehicle was



acquired; the date the vehicle was acquired; the license plate number last assigned to the vehicle; and a brief description of the vehicle, including its make, type, and the vehicle identification number used for registration purposes. The record required by this paragraph shall be a business record of the dismantler separate and distinct from the records maintained in those books and forms furnished by the department.

(b) Paragraphs (1) and (2) of subdivision (a) do not apply to vehicles acquired pursuant to Section 11515, 11515.2, 22851.2, or 22851.3 of this code or Section 3071, 3072, or 3073 of the Civil Code.

(c) Paragraphs (1), (2), (3), and (4) of subdivision (a) do not apply to a vehicle acquired from another person if the other person has already notified and cleared the vehicle for dismantling with the department pursuant to this code and a bill of sale has been executed to the dismantler that properly identifies the vehicle and contains evidence of clearance by the department, including, but not limited to, a dismantling report number, temporary receipt number, or other proof of compliance with this section.

SEC. 16. Section 16028 of the Vehicle Code is amended to read:

16028. (a) Upon demand of a peace officer pursuant to subdivision (b) or (c), every person who drives upon a highway a motor vehicle required to be registered in this state shall provide evidence of financial responsibility for the vehicle. However, a peace officer shall not stop a vehicle for the sole purpose of determining whether the vehicle is being driven in violation of this subdivision.

(b) Whenever a notice to appear is issued for any alleged violation of this code, except a violation specified in Chapter 9 (commencing with Section 22500) of Division 11 or any local ordinance adopted pursuant thereto, the cited driver shall furnish written evidence of financial responsibility upon request of the peace officer issuing the citation. The peace officer shall request and write the driver's evidence of financial responsibility on the notice to appear, except where the peace officer is



unable to write the driver's evidence of financial responsibility on the notice to appear due to an emergency that requires his or her presence elsewhere. If the cited driver fails to provide evidence of financial responsibility at the time the notice to appear is issued, the peace officer may issue the driver a notice to appear for violation of subdivision (a). The notice to appear for violation of subdivision (a) shall be written on the same citation form as the original violation.

(c) Whenever a peace officer, or a regularly employed and salaried employee of a city or county who has been trained as a traffic collision investigator, is summoned to the scene of an accident described in Section 16000, the driver of any motor vehicle that is in any manner involved in the accident shall furnish written evidence of financial responsibility upon the request of the peace officer or traffic collision investigator. If the driver fails to provide evidence of financial responsibility when requested, the peace officer may issue the driver a notice to appear for violation of this subdivision. A traffic collision investigator may cause a notice to appear to be issued for a violation of this subdivision, upon review of that citation by a peace officer.

(d) (1) If, at the time a notice to appear for a violation of subdivision (a) is issued, the person is driving a motor vehicle owned, operated, or leased by the driver's employer, and the vehicle is being driven with the permission of the employer, this section shall apply to the employer rather than the driver. In that case, a notice to appear shall be issued to the employer rather than the driver, and the driver may sign the notice on behalf of the employer.

(2) The driver shall notify the employer of the receipt of the notice issued pursuant to paragraph (1) not later than five days after receipt.

(e) A person issued a notice to appear for a violation of subdivision (a) may personally appear before the clerk of the court, as designated in the notice to appear, and provide written evidence of financial responsibility in a form consistent with Section 16020, showing that the



driver was in compliance with that section at the time the notice to appear for violating subdivision (a) was issued. In lieu of a personal appearance, the person may submit written evidence of financial responsibility by mail to the court. Upon receipt by the clerk of written evidence of financial responsibility in a form consistent with Section 16020, further proceedings on the notice to appear for the violation of subdivision (a) shall be dismissed.

(f) This section shall become operative on January 1, 1997.

(g) This section shall remain in effect only until January 1, 2000, or until the date determined by the director pursuant to paragraph (2) of subdivision (a) of Section 1680, whichever is later, and as of that date is repealed, unless a later enacted statute, which is enacted on or before January 1, 2000, deletes or extends that date.

SEC. 16.5. Section 16028 of the Vehicle Code is amended to read:

16028. (a) Upon demand of a peace officer pursuant to subdivision (b) or (c), every person who drives a motor vehicle upon a highway shall provide evidence of financial responsibility for the vehicle. However, a peace officer shall not stop a vehicle for the sole purpose of determining whether the vehicle is being driven in violation of this subdivision.

(b) Whenever a notice to appear is issued for any alleged violation of this code, except a violation specified in Chapter 9 (commencing with Section 22500) of Division 11 or any local ordinance adopted pursuant thereto, the cited driver shall furnish written evidence of financial responsibility upon request of the peace officer issuing the citation. The peace officer shall request and write the driver's evidence of financial responsibility on the notice to appear, except where the peace officer is unable to write the driver's evidence of financial responsibility on the notice to appear due to an emergency that requires his or her presence elsewhere. If the cited driver fails to provide evidence of financial responsibility at the time the notice to appear is issued, the peace officer may issue the driver a notice to appear



for violation of subdivision (a). The notice to appear for violation of subdivision (a) shall be written on the same citation form as the original violation.

(c) Whenever a peace officer, or a regularly employed and salaried employee of a city or county who has been trained as a traffic collision investigator, is summoned to the scene of an accident described in Section 16000, the driver of any motor vehicle that is in any manner involved in the accident shall furnish written evidence of financial responsibility upon the request of the peace officer or traffic collision investigator. If the driver fails to provide evidence of financial responsibility when requested, the peace officer may issue the driver a notice to appear for violation of this subdivision. A traffic collision investigator may cause a notice to appear to be issued for a violation of this subdivision, upon review of that citation by a peace officer.

(d) (1) If, at the time a notice to appear for a violation of subdivision (a) is issued, the person is driving a motor vehicle owned, operated, or leased by the driver's employer, and the vehicle is being driven with the permission of the employer, this section shall apply to the employer rather than the driver. In that case, a notice to appear shall be issued to the employer rather than the driver, and the driver may sign the notice on behalf of the employer.

(2) The driver shall notify the employer of the receipt of the notice issued pursuant to paragraph (1) not later than five days after receipt.

(e) A person issued a notice to appear for a violation of subdivision (a) may personally appear before the clerk of the court, as designated in the notice to appear, and provide written evidence of financial responsibility in a form consistent with Section 16020, showing that the driver was in compliance with that section at the time the notice to appear for violating subdivision (a) was issued. In lieu of a personal appearance, the person may submit written evidence of financial responsibility by mail to the court. Upon receipt by the clerk of written evidence of financial responsibility in a form consistent with Section



16020, further proceedings on the notice to appear for the violation of subdivision (a) shall be dismissed.

(f) This section shall remain in effect only until January 1, 2003, or until the date determined by the director pursuant to paragraph (2) of subdivision (a) of Section 1680, whichever is later, and as of that date is repealed, unless a later enacted statute, which is enacted on or before January 1, 2003, deletes or extends that date.

SEC. 17. Section 21718 is added to the Vehicle Code, to read:

21718. (a) No person shall stop, park, or leave standing any vehicle upon a freeway which has full control of access and no crossings at grade except:

(1) When necessary to avoid injury or damage to persons or property.

(2) When required by law or in obedience to a peace officer or official traffic control device.

(3) When any person is actually engaged in maintenance or construction on freeway property or any employee of a public agency is actually engaged in the performance of official duties.

(4) When any vehicle is so disabled that it is impossible to avoid temporarily stopping and another vehicle has been summoned to render assistance to the disabled vehicle or driver of the disabled vehicle. This paragraph applies when the vehicle summoned to render assistance is a vehicle owned by the donor of free emergency assistance that has been summoned by display upon or within a disabled vehicle of a placard or sign given to the driver of the disabled vehicle by the donor for the specific purpose of summoning assistance, other than towing service, from the donor.

(5) Where stopping, standing, or parking is specifically permitted. However, buses may not stop on freeways unless sidewalks are provided with shoulders of sufficient width to permit stopping without interfering with the normal movement of traffic and without the possibility of crossing over fast lanes to reach the bus stop.

(6) Where necessary for any person to report a traffic accident or other situation or incident to a peace officer



or any person specified in paragraph (3), either directly or by means of an emergency telephone or similar device.

(7) When necessary for the purpose of rapid removal of impediments to traffic by the owner or operator of a tow truck operating under an agreement with the Department of the California Highway Patrol.

(b) A conviction of a violation of this section is a conviction involving the safe operation of a motor vehicle upon the highway if a notice to appear for the violation was issued by a peace officer described in Section 830.1 or 830.2 of the Penal Code.

SEC. 18. Section 22507.8 of the Vehicle Code is amended to read:

22507.8. (a) It is unlawful for any person to park or leave standing any vehicle in a stall or space designated for disabled persons and disabled veterans pursuant to Section 22511.7 or 22511.8, unless the vehicle displays either a special identification license plate issued pursuant to Section 5007 or a distinguishing placard issued pursuant to Section 22511.55 or 22511.59.

(b) It is unlawful for any person to obstruct, block, or otherwise bar access to those parking stalls or spaces except as provided in subdivision (a).

(c) It is unlawful for any person to park or leave standing any vehicle, including a vehicle displaying a special identification license plate issued pursuant to Section 5007 or a distinguishing placard issued pursuant to Section 22511.55 or 22511.59, in either of the following places:

(1) On the lines marking the boundaries of a parking stall or space designated for disabled persons or disabled veterans.

(2) In any area of the pavement adjacent to a parking stall or space designated for disabled persons or disabled veterans that is marked by crosshatched lines and is thereby designated, pursuant to any local ordinance, for the loading and unloading of vehicles parked in the stall or space.

(d) Subdivisions (a), (b), and (c) apply to all offstreet parking facilities owned or operated by the state, and to



all offstreet parking facilities owned or operated by a local authority. Subdivisions (a), (b), and (c) also apply to any privately owned and maintained offstreet parking facility.

SEC. 19. Section 22520 of the Vehicle Code is repealed.

SEC. 20. Section 22651.5 of the Vehicle Code is amended to read:

22651.5. (a) Any peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or any regularly employed and salaried employee who is engaged in directing traffic or enforcing parking laws or regulations, may, upon the complaint of any person, remove a vehicle parked within 500 feet of any occupied building of a school, community college, or university during normal hours of operation, or a vehicle parked within a residence or business district, from a highway or from public or private property, if an alarm device or horn has been activated within the vehicle, whether continuously activated or intermittently and repeatedly activated, the peace officer or designated employee is unable to locate the owner of the vehicle within 20 minutes from the time of arrival at the vehicle's location, and the alarm device or horn has not been completely silenced prior to removal.

(b) Upon removal of a vehicle from a highway or from public or private property pursuant to this section, the peace officer or designated employee ordering the removal shall immediately report the removal and the location to which the vehicle is removed to the Stolen Vehicle System of the Department of Justice.

SEC. 21. Section 22655 of the Vehicle Code is amended to read:

22655. (a) When any peace officer, as that term is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code or any regularly employed and salaried employee who is engaged in directing traffic or enforcing parking statutes and regulations, has reasonable cause to believe that a motor vehicle on a highway or on private property open to the





general public onto which the public is explicitly or implicitly invited, located within the territorial limits in which the officer is empowered to act, has been involved in a hit-and-run accident, and the operator of the vehicle has failed to stop and comply with Sections 20002 to 20006, inclusive, the officer may remove the vehicle from the highway or from public or private property for the purpose of inspection.

(b) Unless sooner released, the vehicle shall be released upon the expiration of 48 hours after the removal from the highway or private property upon demand of the owner. When determining the 48-hour period, weekends, and holidays shall not be included.

(c) Notwithstanding subdivision (b), when a motor vehicle to be inspected pursuant to subdivision (a) is a commercial vehicle, any cargo within the vehicle may be removed or transferred to another vehicle.

This section shall not be construed to authorize the removal of any vehicle from an enclosed structure on private property that is not open to the general public.

SEC. 22. Section 24953 of the Vehicle Code is amended to read:

24953. (a) Any turn signal system used to give a signal of intention to turn right or left shall project a flashing white or amber light visible to the front and a flashing red or amber light visible to the rear.

(b) Side-mounted turn signal lamps projecting a flashing amber light to either side may be used to supplement the front and rear turn signals. Side-mounted turn signal lamps mounted to the rear of the center of the vehicle may project a flashing red light no part of which shall be visible from the front.

(c) In addition to any required turn signal lamps, any vehicle may be equipped with supplemental rear turn signal lamps mounted to the rear of the rearmost portion of the driver's seat in its rearmost position.

(d) In addition to any required or authorized turn signal lamps, any vehicle may be equipped with supplemental rear turn signal lamps that are mounted on, or are an integral portion of, the outside rearview mirrors,

so long as the lamps flash simultaneously with the rear turn signal lamps, the light emitted from the lamps is projected only to the rear of the vehicle and is not visible to the driver under normal operating conditions, except for a visual indicator designed to allow monitoring of lamp operation, and the lamps do not project a glaring light.

SEC. 23. Section 25251 of the Vehicle Code is amended to read:

25251. (a) Flashing lights are permitted on vehicles as follows:

(1) To indicate an intention to turn or move to the right or left upon a roadway, turn signal lamps and turn signal exterior pilot indicator lamps and side lamps permitted under Section 25106 may be flashed on the side of a vehicle toward which the turn or movement is to be made.

(2) When disabled or parked off the roadway but within 10 feet of the roadway, or when approaching, stopped at, or departing from, a railroad grade crossing, turn signal lamps may be flashed as warning lights if the front turn signal lamps at each side are being flashed simultaneously and the rear turn signal lamps at each side are being flashed simultaneously.

(3) To warn other motorists of accidents or hazards on a roadway, turn signal lamps may be flashed as warning lights while the vehicle is approaching, overtaking, or passing the accident or hazard on the roadway if the front turn signal lamps at each side are being flashed simultaneously and the rear turn signal lamps at each side are being flashed simultaneously.

(4) For use on authorized emergency vehicles.

(5) To warn other motorists of a funeral procession, turn signal lamps may be flashed as warning lights on all vehicles actually engaged in a funeral procession, if the front turn signal lamps at each side are being flashed simultaneously and the rear turn signal lamps at each side are being flashed simultaneously.

(b) Turn signal lamps shall be flashed as warning lights whenever a vehicle is disabled upon the roadway and the



vehicle is equipped with a device to automatically activate the front turn signal lamps at each side to flash simultaneously and the rear turn signal lamps at each side to flash simultaneously, if the device and the turn signal lamps were not rendered inoperative by the event which caused the vehicle to be disabled.

(c) Side lamps permitted under Section 25106 and used in conjunction with turn signal lamps may be flashed with the turn signal lamps as part of the warning light system, as provided in paragraphs (2) and (3) of subdivision (a).

(d) Required or permitted lamps on a trailer or semitrailer may flash when the trailer or semitrailer has broken away from the towing vehicle and the connection between the vehicles is broken.

(e) Hazard warning lights, as permitted by paragraphs (2) and (3) of subdivision (a) may be flashed in a repeating series of short and long flashes when the driver is in need of help.

SEC. 24. Section 25258 of the Vehicle Code is amended to read:

25258. (a) An authorized emergency vehicle operating under the conditions specified in Section 21055 may display a flashing white light from a gaseous discharge lamp designed and used for the purpose of controlling official traffic control signals.

(b) An authorized emergency vehicle used by a peace officer, as defined in Section 830.1 of, subdivision (a), (b), (c), (d), (e), (f), (g), or (i) of Section 830.2 of, subdivision (b) or (d) of Section 830.31 of, subdivision (a) or (b) of Section 830.32 of, Section 830.33 of, subdivision (a) of Section 830.36 of, subdivision (a) of Section 830.4 of, or Section 830.6 of, the Penal Code, in the performance of the peace officer's duties, may, in addition, display a steady or flashing blue warning light visible from the front, sides, or rear of the vehicle.

SEC. 25. Section 25259 of the Vehicle Code is amended to read:

25259. (a) Any authorized emergency vehicle may display flashing amber warning lights to the front, sides, or rear.

(b) A vehicle operated by a police or traffic officer while in the actual performance of his or her duties may display steady burning or flashing white lights to either side mounted above the roofline of the vehicle.

(c) Any authorized emergency vehicle may display not more than two flashing white warning lights to the front mounted above the roofline of the vehicle and not more than two flashing white warning lights to the front mounted below the roofline of the vehicle. These lamps may be in addition to the flashing headlamps permitted under Section 25252.5.

SEC. 26. Section 26101 of the Vehicle Code is amended to read:

26101. No person shall sell or offer for sale for use upon or as part of the equipment of a vehicle, nor shall any person use upon a vehicle, any device that is intended to modify the original design or performance of any lighting equipment, safety glazing material, or other device, unless the modifying device meets the provisions of Section 26104. This section does not apply to a taillamp or stop lamp in use on or prior to December 1, 1935, or to lamps installed on authorized emergency vehicles.

SEC. 27. Section 27000 of the Vehicle Code is amended to read:

27000. (a) Every motor vehicle, when operated upon a highway, shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet, but no horn shall emit an unreasonably loud or harsh sound. An authorized emergency vehicle may be equipped with, and use in conjunction with the siren on that vehicle, an air horn which emits sounds that do not comply with the requirements of this section.

(b) Every refuse or garbage truck purchased after September 1, 1983, shall be equipped with an automatic backup audible alarm which sounds on backing more than 36 inches and which is capable of emitting sound



audible under normal conditions from a distance of not less than 100 feet or shall be equipped with an automatic backup device which is in good working order, located at the rear of the vehicle and which immediately applies the service brake of the vehicle on contact by the vehicle with any obstruction to the rear. The backup device or alarm shall also be capable of operating automatically when the vehicle is in neutral or a forward gear but rolls backward.

(c) At the first scheduled overhaul for any refuse or garbage truck, the operator shall consider equipping the refuse or garbage truck not equipped in accordance with the requirements of subdivision (b), with the alarm or device required under subdivision (b).

SEC. 28. Section 34001 of the Vehicle Code is amended to read:

34001. The provisions of this division refer to vehicles having a cargo tank and to hazardous waste transport vehicles and containers, as defined in Section 25167.4 of the Health and Safety Code, that are operating on highways within this state.

SEC. 29. Section 34060 of the Vehicle Code is amended to read:

34060. The commissioner shall provide for the establishment, operation, and enforcement of random on- and off-highway inspections of cargo tanks and hazardous waste transport vehicles and containers. The commissioner shall also provide training in the inspection of cargo tanks and hazardous waste transport vehicles and containers to employees of the department whose primary duties include the enforcement of laws and regulations relating to commercial vehicles and who, thereafter, are required to perform random inspections of cargo tanks and hazardous waste transport vehicles and containers to determine whether or not the cargo tanks and hazardous waste transport vehicles and containers are designed, constructed, and maintained in accordance with the regulations adopted by the commissioner pursuant to this code and Chapter 6.5 (commencing with Section 25100) of Division 20 of the Health and Safety Code.



SEC. 30. Section 34500.5 is added to the Vehicle Code, to read:

34500.5. For purposes of this division, the term “commercial motor vehicle” has the same meaning as defined in subdivision (b) of Section 15210.

SEC. 31. Section 34622 of the Vehicle Code is amended to read:

34622. This chapter does not apply to any of the following:

(a) Vehicles that are exempt from vehicle registration fees.

(b) The transportation of office, store, and institution furniture and fixtures by a household goods carrier, as defined in Section 5109 of the Public Utilities Code.

SEC. 32. Section 40000.16 of the Vehicle Code is amended to read:

40000.16. A second or subsequent violation of Section 23114, relating to preventing the escape of materials from vehicles, occurring within two years of a prior violation of that section is a misdemeanor, and not an infraction.

SEC. 33. Section 16.5 of this bill incorporates amendments to Section 16028 of the Vehicle Code proposed by both this bill and AB 651. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 1998, (2) each bill amends Section 16028 of the Vehicle Code, and (3) this bill is enacted after AB 651, in which case Section 16 of this bill shall not become operative.



Approved \_\_\_\_\_, 1997

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*Governor*

